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V.S.

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/655,853	05/30/96	MCMASTER	H GLT-1540-R

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EXAMINER

RULLER, J

ART UNIT

1731

PAPER NUMBER

61

DATE MAILED:

10/12/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No. 08/655,853	Applicant(s) McMaster et al.
Examiner Jacqueline Ruller	Group Art Unit 1731

Responsive to communication(s) filed on Jul 21, 1999 .

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1-16, 27, and 30 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) 1-16 is/are allowed.

Claim(s) 27 and 30 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____ .

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____ .

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 27 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 27 has no support for moving or changing the position of a surface of the quench tubes so as to conform to the glass sheet, independent of the platens, which is intended to be tempered. There is no enablement for a stand alone tempering apparatus which moves to conform to the shape of a bent glass sheet. While the quench tubes may move up and down with the platens, there is no support that specifically states that they move along the horizontal direction of travel with the glass sheet, independently of the platens.

2. Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Which direction is "parallel to the quench tubes"?

3. Claim 30 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The phrases "elongated quench tubes which are substantially parallel to

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each other" and "deformable drive shafts that extend between the elongated quench tubes" don't have antecedent basis in the original specification. Please check the entire claim to ensure that there is verbatim basis in the original specification.

Response to Arguments

4. Applicant's arguments filed 7/21/99 have been fully considered but they are not persuasive. The support provided by applicants for claim 27 is insufficient to allow a claim that is for a tempering apparatus independent of the platens. There is support for an actuator connected to the platens but there is no support for "an actuator connected to the quench tubes". Applicants provide three paragraphs as evidence of the support; the abstract, col. 1, lines 52-56 and col. 2, lines 38-42. The abstract refers to quench openings that move with the platens; quenching air applied to the glass sheet in the quenching station may occur but there is no explanation as to how the air is supplied i.e. via tubes, via platen, etc.; and movable openings that move with the glass surface, again there is no explanation as to how this occurs, with the tubes in the platens, just the tubes alone, etc. Therefore, there is no definite support that the tempering apparatus stands alone and operates separately from the platens.

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Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacqueline Ruller whose telephone number is (703) 308-0316. The examiner can normally be reached on Monday, Tuesday and Thursday from 6:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on (703) 308-3837. The fax phone number for this Group is (703) 305-7115.

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JAR

October 7, 1999


Stanley S. Silverman
Supervisory Patent Examiner
Technology Center 1700